

REMARKS


In response to the remarks made in the last response, the Examiner observes that "Haartsen does clearly show the list obtained through the inquiry process includes both in-range and out-of-range devices" and that for that reason the rejections are maintained. While the Examiner's statement of what Haartsen shows is correct, that showing is still not commensurate with what is required by the claims. This is because the inquiry procedure is never going to provide out-of-range devices with which the first device has communicated in the past. Instead, Haartsen populates the list with out-of-range devices with which the first device has never contacted.

For example, in Haartsen, suppose a device A contacts a device B. The device A receives from B both in-range and out-of-range devices from the device B. The question is, does that augmented list on the device A now meet the scope of the claim? It does not because the list includes out-of-range devices with which the device A never contacted. Therefore, the fact that Haartsen populates his device A with both in-range and out-of-range devices is not commensurate with the scope of the claim because the claim requires, not only that the device A have both in-range and out-of-range devices, but that these all be devices with which the device A has been in communication with in the past.

Therefore, reconsideration of the rejection is respectfully requested.

Respectfully submitted,

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